

## SB0252S01 compared with SB0252

~~text~~ shows text that was in SB0252 but was deleted in SB0252S01.

Inserted text shows text that was not in SB0252 but was inserted into SB0252S01.

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Senator Curtis S. Bramble proposes the following substitute bill:

### SPECIAL ELECTION TO FILL UNITED STATES HOUSE OF REPRESENTATIVES VACANCY

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends the Election Code in relation to a special election to fill a vacancy in the office of United States representative.

##### Highlighted Provisions:

This bill:

- ▶ describes requirements and procedures relating to a special election to fill a vacancy in the office of United States representative;
- ▶ establishes different requirements and procedures for a special election described in this bill based on the nearness of the date of vacancy to the regular primary or regular general election;

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- ▶ grants authority to the governor to establish the deadlines, time frames, and procedures relating to a special election described in this bill; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**20A-1-502**, as enacted by Laws of Utah 1993, Chapter 1

ENACTS:

**20A-1-502.5**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-1-502** is amended to read:

**20A-1-502. Midterm vacancy in office of United States senator.**

~~[(1) When a vacancy occurs for any reason in the office of a representative in Congress, the governor shall issue a proclamation calling an election to fill the vacancy.]~~

~~[(2)(a)]~~ (1) When a vacancy occurs in the office of [U.S.] United States senator, [it] the vacancy shall be filled for the unexpired term at the next regular general election.

~~[(b)]~~ (2) The governor shall appoint [a person] an individual to serve as [U.S.] United States senator until the vacancy is filled by election from one of three [persons] individuals nominated by the state central committee of the same political party as the prior officeholder.

Section 2. Section **20A-1-502.5** is enacted to read:

**20A-1-502.5. Midterm vacancy in office of United States representative.**

(1) (a) Except as provided in Subsection (2), when a vacancy occurs in the office of United States representative, the governor shall, within seven days after the day on which the vacancy occurs:

(i) issue a proclamation calling a special congressional election to fill the vacancy; and

(ii) post the proclamation on the lieutenant governor's website.

(b) An individual who fills a vacancy under this section shall serve until the end of the

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current term for which the vacancy exists.

(2) If the vacancy occurs on or after the date of the regular general election, and before ~~{January 1}~~ the beginning of the ~~{year after}~~ term for the ~~{general election}~~ office of United States Representative:

(a) the governor may not call a special congressional election to fill the vacancy; and

(b) the office shall remain vacant for the remainder of the current term.

(3) If the vacancy occurs ~~{127}~~ 70 or fewer days before the day of the next regular general election:

(a) the governor shall, in the proclamation described in Subsection (1)(a), set the date of the special congressional election on the same date as the regular general election; and

(b) the same ~~{individual}~~ candidate who wins the election for the term beginning on January 1 shall fill the vacancy for the remainder of the current term or, if the ~~{individual}~~ candidate refuses to fill the vacancy, the office shall remain vacant for the remainder of the current term.

(4) If the vacancy occurs on or after the day of the regular primary election and more than ~~{127}~~ 70 days before the next regular general election:

(a) the governor shall, in the proclamation described in Subsection (1)(a), set ~~{two~~ alternate special election dates to fill the vacancy, as follows:

~~—— (i) one date}~~ the date of the special congressional election no sooner than 70 days after the date of the vacancy and no later than the date of the regular general election; ~~{and~~

~~—— (ii) one date on the date of the regular general election; and~~

~~—— (b) (i) if, within three days after the day on which the governor issues the proclamation described in Subsection (1)(a), all of the candidates who qualify for placement on the general election ballot for the office of United States representative file a declaration of candidacy to fill the vacancy;~~

~~—— (A) the special election to fill the vacancy shall be held on the date described in Subsection (4)(a)(i);~~

~~—— (B) each}~~

(b) (i) A candidate who qualifies for placement on the regular general election ballot for the office of United States representative shall appear as a candidate on the special ~~{election ballot; and~~

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- ~~(C) the candidate who wins the special election shall fill the vacancy; or~~
- ~~(ii) congressional election ballot, if, within three days after the day ~~{on which the governor issues}~~ of the canvass, the candidate files a declaration of candidacy to fill the vacancy; or~~
- ~~(ii) if a candidate described in Subsection (4)(b)(i) fails to timely file a declaration of candidacy to fill the vacancy, the candidate shall be replaced on the special congressional election ballot using the candidate vacancy procedures described in this part, within deadlines established by the governor in the proclamation described in Subsection (1)(a) ~~{, at least one of the candidates who qualifies for placement on the general election ballot for the office of United States representative fails to file a declaration of candidacy to run to fill the vacancy:~~~~
- ~~(A) the special election to ~~}; and~~~~
- ~~(c) the candidate who wins the special congressional election shall fill the vacancy ~~{shall be held on}~~ for the ~~{date described in Subsection (4)(a)(ii); and~~~~
- ~~(B) the election shall be conducted in accordance with Subsection (5) ~~}; remainder of the current term.~~~~
- (5) If the vacancy occurs ~~{on or }~~ before the date of the regular primary election, and after the beginning of a term for the office of United States representative, the governor shall, in the proclamation described in Subsection (1)(a):
- (a) set ~~{a}~~ the date of the special congressional election ~~{ date}~~ to fill the vacancy no sooner than 127 days after the date of the vacancy and no later than 150 days after the date of the vacancy;
- (b) permit an individual to qualify for placement on the special congressional election ballot in the same manner as an individual is permitted to qualify for placement on a regular primary election ballot, except that:
- (i) a primary election will not be held to fill the vacancy; and
- (ii) the special congressional election shall be the final election to fill the vacancy for the remainder of the current term;
- (c) establish the deadlines, time frames, and procedures for filing a declaration of candidacy for an affiliated candidate, filing a certificate of nomination for an unaffiliated candidate, filing a notice of intent to gather signatures, gathering and submitting signatures, ~~{ reporting campaign contributions and expenditures, }~~ giving notice of an election, and other

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election requirements:

(d) permit an individual no less than 21 days to gather signatures after the first day on which the individual may file a notice of intent to gather signatures;

(e) permit a registered political party no less than 30 days before the registered political party is required to certify the name of ~~at~~one candidate for the registered political party;

(f) permit a write-in candidate to file a declaration of candidacy as a write-in candidate no later than the deadline described in Subsection (5)(d);

(g) provide at least 14 days for an election officer to certify signatures; and

(h) require an election officer to send ballots to military and overseas voters no later than 45 days before the date of the special congressional election.

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**Legislative Review Note**

**~~Office of Legislative Research and General Counsel†~~**